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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/713,370 | 11/14/2003 | Jordan S. Bruntz | P06087US0 | 1594 |

27139 7590 02/10/2006

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EXAMINER

OMGBA, ESSAMA

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,370

Applicant(s)

BRUNTZ ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 8, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ripley et al. (US Patent 5,350,140).

Ripley et al. discloses an appliance and a method of assembling appliances wherein a plurality of control consoles with different control features can be mounted to base units of appliances to produce different appliance models, see column 1, lines 47-58, column 2, lines 11-19 and 41-65 and column 5, lines 22-43. Applicant should note that it is inherent that depending on the features needed for a particular model, some of the electrical components may not be electrically connected or all of the electrical components will be connected, see column 2, lines 57-65 for example. Also all the disclosed appliances typically have base units with identical components. The additional features provided on different models typically involve logic control as opposed to basic mechanical components found that are identical to all models. For example all base units of washer machines include a cabinet housing with a motor, a rotatable tub, an agitator or washing mechanism, pumps, water pipes, detergent inlet and so forth.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 8, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Knopp (US Patent 6,706,982).

Knopp discloses a method of manufacturing different series of household appliances such as washing machines by providing at least two different types of control panels to create two different models from the same base unit, see column 1, lines 38-66, column 2, lines 60-67 and column 3, lines 1-10 and figures 1 and 2. Applicant should note that not all elements of the printed circuit board will be used for a particular model, see column 4, lines 26-67. Applicant should also note that a purchaser inherently selects a control console by selecting a particular model of appliances since these appliances are not typically off-the-shelf type of appliances.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 5-7, 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ripley et al.

Ripley et al. discloses a method of assembling appliances as shown above except for the console mounting being done at a retail establishment, by an appliance dealer, at the purchaser's home, by a dealer representative or at a regional warehouse. However it would have been obvious to one of ordinary skill in the art at the time the invention was made that having the mounting of the console done at a retail establishment, by an appliance dealer, at the purchaser's home, by a dealer representative or at a regional warehouse is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in having the control console mounted in one place or another. Applicant should note that the types of appliances disclosed are not typically self-installed type of appliances. They are typically delivered and installed by professionals (dealer representatives) at the purchaser's home and the appliances typically come assembled to a degree where transportation to the purchaser's home would be done safely without damaging the appliances. Delicate parts that could be damaged during delivery are typically installed at the purchaser's home.

Response to Arguments

7. Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive.

In response to Applicant's argument that there is no disclosure in Ripley that the base units all have identical compliments, the examiner submits that all base units of washer machines for instance include a cabinet housing with a motor, a rotatable tub, an agitator or washing mechanism, pumps, water pipes, detergent inlet and so forth. The variation in models is usually done through a printed circuit board that controls optional features such as timers, audio signals and so forth. One of ordinary skill in the art would recognize that basic units of washing machines include substantially identical mechanical components with variations in size, capacity or power.

In response to Applicant's argument that there is no suggestion in Ripley that less than all of the electrical components be connected to the controls, the examiner respectfully disagrees. Ripley discloses optional control devices that could be active or not as outlined in the above rejections (see column n2, lines 57-65 of Ripley et al.).

In response to Applicant's argument that there is no disclosure in Ripley that a purchaser first selects a control console and then the console be mounted on the base unit to create the assembled appliance, the examiner submits that a purchaser inherently selects a control console by selecting a particular model of appliances since these appliances are not off-the-shelf type of appliances. The purchaser only sees displayed appliances in a retail outlet, has to place an order and wait for the appliance to be delivered and installed at his or her house by a dealer's representative, therefore whether the console is separately displayed from the rest of the appliance would not influence the purchaser's decision to purchase a particular model. Applicant's argument that increased storage space is required if carrying different models with customized

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console is not persuasive since the storage space is taken up by base units and not consoles, so having base units stored without consoles would not required significantly less space than base units with consoles thereon. Furthermore a retailer would know to adjust the inventory based on sales trends of different models.

In response to Applicant's argument that the design choice rejection is improper and has no basis under § 103, the examiner respectfully disagrees. As outlined in the above rejections, the type of appliances disclosed herein are not off-the shelf self-installed type of appliances. They must be delivered and installed by professionals (dealer representatives) at the purchaser's home and the appliances typically come assembled to a degree where transportation to the purchaser's home would be done safely without damaging the appliances. Delicate parts that could be damaged during delivery are typically installed at the purchaser's home. Thus the examiner's design choice rejection, since even if done at the purchaser's home, the installation would still be done by the dealer's representative.

In view of the above remarks, rejections in the instant application as outlined above are maintained.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Jimenez can be reached on (571) 272-4530. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba
Primary Examiner
Art Unit 3726

eo
February 5, 2006